

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOMENICA LEWIS, *et al.*,

Plaintiffs,

v.

SILVERTREE MOHAVE
HOMEOWNERS' ASSOCIATION, INC.,
et al.,

Defendants.

No. C 16-03581 WHA

**ORDER REJECTING PROPOSED
FORM OF NOTICE**

The proposed class notice requires certain revisions, as set forth below, in order to present the parties with a clear picture of the settlement.

First, the notice should eliminate the option for class members to object for the first time in person at the final fairness hearing. Any class member who wishes to object must first do so in writing. Individuals who timely and properly object in writing will then have the option of appearing at the final fairness hearing. The revised notice must incorporate this directive in the sections on objecting on pages 2 and 6.

Second, the notice must provide two options for individuals who choose to object: (1) the right to object, but not opt out if the objection is overruled, and (2) the right to object and opt out in the event that the objection is overruled. These two options must be clearly explained in the section currently entitled "You Have Four Options."

Third, the second to last bullet point on page 3 is unclear as it stands. It should be revised to say that the Board will evaluate the need for better play areas for children and

families, or if this phrase does not capture the parties' intended meaning, should be revised to clarify what the parties intended.

Fourth, on page six under the section entitled "What happens if I do nothing at all?" the notice states that class members who neither opt out, nor provide household information will receive a check based upon the information the parties already have. It then states "If you are in the class and receive money, this also means that you cannot sue the Defendants in the future regarding this same fair housing issue." This is not an acceptable resolution. The parties may not condition release upon the receipt of a check. They may, however, condition release upon the deposit or cashing of the check. If they choose to do so, they must revise this statement accordingly.

Additionally, the parties shall please make the following edits (a copy with these edits is appended to this order):

1. In the heading on page 1, delete the word "proposed."
2. On page 1, delete the words "proposed" in the first sentence under the second bullet point. After that sentence, add the sentence "The Court has preliminarily approved the settlement."
3. On pages 1 and 2, put the four options into a numbered chart as indicated below:

SUMMARY OF YOUR OPTIONS IN THIS SETTLEMENT:	
1. AGREE WITH THE SETTLEMENT	
2. OPT OUT OF THE SETTLEMENT	
3. OBJECT BUT DO NOT OPT OUT	
4. OBJECT AND OPT OUT	

4. Under the third bullet point on page 3, replace the words "by class counsel" with the words "as described on page 4."
5. On page 3, identify the settlement administrator by full name, and provide the toll free number at which class members may contact it.
6. On page 6, provide the attorney contact information in the "Do I have an attorney in this case?" section.

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7. On page 7, replace the clause “at 450 Golden Gate Avenue, San Francisco, CA 94102,” with the clause “on the 16th floor of 450 Golden Gate Avenue, San Francisco, CA 94102 on weekdays between the hours of 9:00 a.m. and 4:00 p.m.”

Although the Court has thoroughly reviewed the proposed notice to identify typographical and formatting errors, the parties must proofread the next version carefully, particularly since the edits above could introduce new errors.

The proposed form of notice is **NOT APPROVED**. The parties shall please file a second amended proposed form of notice by **JULY 12 AT NOON**.

IT IS SO ORDERED.

Dated: July 6, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE